

U.S. Application Serial No.
Docket No. YOR920010067US1
(YOR.271)

4

REMARKS

Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and **places the present application in condition for immediate allowance.**

I. ALLOWED SUBJECT MATTER

Applicant gratefully acknowledges that **claim 41** is allowed.

As a preliminary matter, Applicant thanks the Examiner for courtesies extended in the telephone conference conducted on September 7, 2005, in which the Examiner kindly confirmed that **claim 41** has been allowed, as correctly indicated in the Office Action Summary and on page 27 of the Office Action.

Claims 1-40 are canceled without prejudice or disclaimer to the filing of a divisional application.

Thus, allowed claim 41 is the sole claim presently pending in the application.

II. THE PRIOR ART REJECTIONS

Claims 1-4, 5-26, and 28-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fulton, III et al. (U.S. Patent No. 5,715,386; hereinafter “Fulton”) in view of Garg (“A Methodology for Detection and Estimation of Software Aging”, published November 1998. Claim 27 stands rejected under 35 U.S.C. § 103(a) as being obvious over Fulton in view of Garg, and further in view of Murphy, et al. (U.S. Publication No. 2003-015084 A1, filed January 10, 2000).

U.S. Application Serial No.
Docket No. YOR920010067US1
(YOR.271)

5

Applicant submits that each of these rejections has been rendered moot by the cancellation of claims 1-40 above. Thus, the Examiner respectfully is requested to withdraw these rejections.

III. CONCLUSION

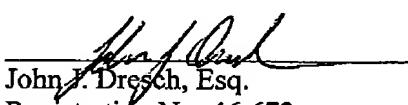
In view of the foregoing, Applicants submit that allowed claim 41, the sole claim presently pending in the application, is patentably distinct over the prior art of record and is in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

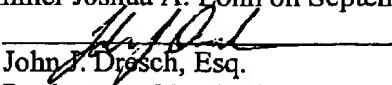
Date: September 8, 2005


John J. Dresch, Esq.
Registration No. 46,672
Sean M. McGinn, Esq.
Registration No. 34,386

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed after-final Amendment under 37 C.F.R. § 1.116 to Examiner Joshua A. Lohn on September 8, 2005.


John J. Dresch, Esq.
Registration No. 46,672